

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

| | | |
|---------------------------|---|-------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Criminal Action |
| v. |) | No. 14-3104-01-CR-S-MDH |
| |) | |
| SCOTT GOODWIN-BEY, |) | |
| |) | |
| Defendant. |) | |

MOTION FOR CONTINUANCE

Comes now Defendant, Scott Goodwin-Bey, by and through his attorney, Brian D. Risley, and for his Motion for Continuance, pursuant to 18 U.S.C. 3161(h)(8)(A) and (B), respectfully requests this Honorable Court continue the trial now set in this cause for May 3, 2015 to the August or September, 2015, Joint Criminal Trial Docket. In support of said Motion, Counsel for Defendant submits the following:

1. Counsel for Defendant was appointed to represent Mr. Goodwin-Bey on January 27, 2015. The matter is currently set for trial on May 3, 2015.
2. Counsel for Defendant is in the process of obtaining reviewing Defendant's file from his previous counsel and getting additional information from the United States Attorney.
3. Since early February, counsel has received information that Defendant faces serious state criminal charges related to the weapon in this case. Counsel has also learned of other videos that may need review and has requested those from the Government, but has yet to receive them.
4. Counsel for Defendant cannot have full opportunity to advise Mr. Goodwin-Bey or adequately prepare this case in the time he has been appointed until the time the case is currently set for trial.
5. Counsel is hopeful that with receipt of the requested video and other information, that he and Defendant can be ready in August or September, 2015.

6. This continuance is not sought for the purpose of dilatory delay, but is sought in truth and fact so that Defendant may be afforded due process of law under the Fifth Amendment to the United States Constitution.
7. This is this Defendant and counsel's second request for continuance. Assistant US Attorney Jim Kelleher has been contacted regarding the request and advised defense counsel that he has no objection to said continuance.
5. In accordance with 18 U.S.C. 3161(h)(8)(A) and (B)(iv), it is submitted that a continuance outweighs the best interests of the public and Defendant to a speedy trial, which is required by 18 U.S.C. 3161(c)(1).
6. Under the provisions of 18 U.S.C. 3161(h)(8)(A), the period of time until the requested criminal docket setting should be excluded in computing the period of time in which Defendant should be brought to trial under the Speedy Trial Act.
7. Counsel for Defendant would also request a continuance of the time to file any pre-trial motions.
8. Defendant has previously signed a Waiver of Speedy Trial which has been filed with the Court, and Defendant has advised this counsel that he concurs with the Motion to Continue.

WHEREFORE, Defendant respectfully requests this Court, pursuant to 18 U.S.C. 3161(h)(8)(A) and (B), to remove this case from its scheduled trial setting of May 3, 2015, and to continue this case to August or September, 2015, trial docket, or such other date as the Court deems just and proper, and continue the time to file any pre-trial motions in the above matter.

Respectfully submitted,

/s/ Brian D. Risley

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on April 2, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the United States Attorney in this case, Jim Kelleher. I hereby certify that on February 3, 2015, the CM/ECF system listed no participants to be manually noticed.

/s/ Brian D. Risley

Brian D. Risley